



# R CE 3731

Doc. No. 266114 WEMMH/SB/30 (4/03)

Approved for sue through 10/31/2002. OMB 0651-0031

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## REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 335 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

|                        |                  |
|------------------------|------------------|
| Application Number     | 10/054,270       |
| Filing Date            | January 22, 2002 |
| First Named Inventor   | Edward P. Perez  |
| Group Art Unit         | 3731             |
| Examiner Name          | Daniel J. Davis  |
| Attorney Docket Number | 7404-318         |

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application.

**Note:** 37 CFR § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 CFR § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (August 16, 2000); Interim Rule, 65 Fed. Reg. 15865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (April 11, 2000), which established RCE practice.

### 1. Submission required under 37 CFR § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR § 1.116 previously filed on \_\_\_\_\_
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

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### 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR § 1.17(i) required.)
- b. Other \_\_\_\_\_

### 3. Fees

The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 23-3030.
- i. ☐ RCE fee required under 37 CFR § 1.17(e) 02/26/2004 SSANDARA 00000023 10054270
- ii. ☐ Extension of time fee (37 CFR §§ 1.136 and 1.17) 01 FC:1801 770.00 OP
- iii. ☐ Other 02 FC:1202 90.00 OP
- b. ☒ Check in the amount of \$ **770.00** enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

|                   |                   |                                   |                   |
|-------------------|-------------------|-----------------------------------|-------------------|
| Name (Print/Type) | Charles P. Schmal | Registration No. (Attorney/Agent) | 45,082            |
| Signature         |                   | Date                              | February 20, 2004 |

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop RCE, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on: **February 19, 2004**

|                   |                   |      |                   |
|-------------------|-------------------|------|-------------------|
| Name (Print/Type) | Charles P. Schmal | Date | February 20, 2004 |
| Signature         |                   |      |                   |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, P.O. Box 1450, Alexandria, VA 22313-1450.